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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,463	07/21/2003	Michio Kitazume	018842.1271	4534
24735	7590	04/13/2005		
BAKER BOTTS LLP C/O INTELLECTUAL PROPERTY DEPARTMENT THE WARNER, SUITE 1300 1299 PENNSYLVANIA AVE, NW WASHINGTON, DC 20004-2400			EXAMINER EDGAR, RICHARD A	
			ART UNIT	PAPER NUMBER
			3745	

DATE MAILED: 04/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/622,463

Applicant(s)

KITAZUME, MICHIO

Examiner

Richard Edgar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2005 under 37 CFR § 1.111.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7 and 9-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 3-7 is/are allowed.
- 6) ☒ Claim(s) 9-14 is/are rejected.
- 7) ☒ Claim(s) 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Arguments

Applicant's arguments, see page 10, lines 3-5, filed 11 March 2005, with respect to claims 1 and 3-7 have been fully considered and are persuasive. The rejection of claims 1 and 3-7 has been withdrawn.

The reply has not presented arguments pointing out the specific distinctions believed to render the newly presented claims, patentable over any applied references. See 37 C.F.R. § 1.111.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9-11 and 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 6,139,273 (Schwartz et al. hereinafter).

Schwartz et al. show a multiblade blower comprising an impeller having a plurality of blades 120, 140 placed circumferentially, and taking in air from a side of an inner diameter end portion of each of the blades and discharging the air from a side of an outer diameter end portion of each of the blades by rotation of the impeller, wherein two or more of blade groups, in each of which said blades are placed in a ring shape, are placed, such that the blades 120 of an outer blade group are behind and extend beyond at least one inner blade 140 group at least in a radial direction, and each blade

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of the outermost blade group is placed inside air flows 148, 149 passing between blades of the at least one inner blade group.

The inner blade 140 group comprises a plurality of main blades and the outer blade 120 group comprises a plurality of auxiliary blades.

Each blade is in a wing shape in cross section (see Fig. 4).

The warpage, or mean camber, of the main blade is larger than the warpage, or mean camber, of the auxiliary blade (see Fig. 4).

The chord length of the main blade is larger than the chord length of the auxiliary blade (see Fig. 4).

While applicant has made the argument that the Office cannot properly rely on figures to support rejections based on the drawings not disclose as to scale, the drawings must be evaluated for what they reasonably disclose and suggest to one of ordinary skill in the art. In *re Aslanian*, 590 F.2d 911, 200 USPQ 500 (CCPA 1979) (See MPEP § 2125). One of ordinary skill in the art would deem the drawings of Schwarz et al. to be reasonably to scale, especially in light of Schwartz et al.'s air flow pattern shown in Fig. 3.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 6,139,273 (Schwartz et al. hereinafter) as applied to claim 9 above, and further in view of United States Patent No. 4,900,228 (Yapp hereinafter).

Schwartz et al. teach a sirocco fan for a vehicle air conditioning system having two sets of blades arranged in an alternating pattern.

Schwartz et al. do not disclose the impeller being made from resin.

Yapp disclose a vehicle air conditioning fan (col. 2, lines 27-28) having two sets of blades 14,15 arranged in an alternating pattern wherein the impeller is injected molded using plastic materials (col. 6, lines 18-19) for the purpose of producing an impeller from suitable materials for use in an automobile air conditioning system.

Since Schwartz et al. show an automobile air conditioning impeller and Yapp teaches that plastic should be used for producing impellers for automotive air conditioning systems, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to make the impeller of Schwarz et al. based on the teachings of Yapp for the purpose of producing an impeller from suitable materials for use in an automobile air conditioning system.

Allowable Subject Matter

Claim 15 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Edgar whose telephone number is (571) 272-4816. The examiner can normally be reached on Mon.-Thur. and alternate Fri., 7 am- 5 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Richard Edgar
Examiner
Art Unit 3745

RE



EDWARD K. LOOK
SUPERVISORY PATENT EXAMINER
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4/8/05